

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEVON EVANS,

Plaintiff,

v.

ED BRADY, *et al*,

Defendants.

Case No. C06-5428FDB-KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On July 27, 2006, the Clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). On August 1, 2006, the Clerk sent plaintiff a letter informing him that his application was deficient in that he had not answered all of the questions contained therein. (Dkt. #2). On August 16, 2006, plaintiff filed a response curing that deficiency. (Dkt. #3).

The Court, however, requires additional information concerning plaintiff's financial resources

1 before it can determine his eligibility for *in forma pauperis* status. Plaintiff submitted a one page "PLRA *in*
2 *forma pauperis* status report" with his application, indicating that for the months of January through June,
3 2006, he had average monthly receipts of \$279.27 and an average spendable balance of \$155.70. Plaintiff
4 also stated he is no longer employed, and has not been employed since November 9, 2005. It thus is
5 unclear why plaintiff continues to receive nearly \$300.00 in monthly receipts, particularly in light of the fact
6 that plaintiff states he has not received money or other financial assistance from any other source during
7 the past twelve months.

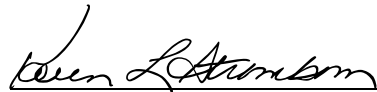
8 Accordingly, the Court orders the following:

- 9 (1) Plaintiff shall seek to cure the above deficiency by filing **no later than September 21,**
10 **2006**, (a) a copy of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2)
11 showing the balance and activity of his account(s) for the six-month period immediately
12 preceding the filing of his complaint, and (2) an explanation as to the source(s) of his
13 monthly monetary receipts, the amounts thereof from each source, and whether he expects to
14 continue receiving such financial income and/or assistance.

15 **Failure to cure these deficiencies by the above date shall be deemed a failure to**
16 **properly prosecute this matter and the Court will recommend dismissal of this**
17 **matter.**

- 18 (2) The Clerk is directed to send a copy of this Order to plaintiff.

19 DATED this 21st day of August, 2006.

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23 Karen L. Strombom
24 United States Magistrate Judge
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